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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,457	10/03/2000	Godwin Dirk Zwanenburg	PHN 17,665	4571

7590 03/17/2003

Corporate Patent Counsel  
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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 03/17/2003

22

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/678,457

Applicant(s)

Zwanenburg

Examiner

Ivars Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Mar 4, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
of the reasons given in the attached supplement.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

10. ☐ Other: \_\_\_\_\_

*Ivars Cintins*  
IVARS CINTINS  
PRIMARY EXAMINER  
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SUPPLEMENT TO ADVISORY ACTION

Applicant's responses filed February 19, 2003 and March 4, 2003 have been noted and carefully considered but are not deemed to be persuasive of patentability.

Applicant argues that in the device of Scholer, the restriction is situated in the flow path of the regenerating solution between the outlet of the reservoir and the inlet of the chamber holding the exchange material, whereas claim 9 requires that this restriction be situated in the flow path between the outlet of the reservoir and the outlet of the exchange material chamber. It is pointed out, however, that the regenerating solution in Scholer flows along a path which includes outlet 50 of regenerant reservoir 22, pipe 46, spring-loaded valve 49, pipes 47 and 26, inlet 27 of exchange material chamber 16, exchange material 17, outlet 29 of chamber 16, and pipe 28 (see Fig. 14). Accordingly, the restriction (i.e. spring-loaded valve 49) in this reference device is located "in the flow path of the solution situated between the outlet of the reservoir and the outlet of the chamber" as required by claim 9. Applicant should note that claim 9 does not preclude the presence of other structural elements (e.g. inlet 27) in this flow path.

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Applicant also argues that the device of Scholer does not include a "cartridge" of ion exchange material. Again, this argument has been noted and carefully considered, but is not deemed to be persuasive of patentability. It is pointed out that tank 16 of Scholer contains a finite mass of zeolite (i.e. an ion exchange material); and therefore, this tank of ion exchange material (see col. 2, lines 15-16) is deemed to be structurally and patentably indistinguishable from the broadly recited "ion exchange cartridge" of claim 9, particularly since this claim fails to positively recite any distinguishing structure for the cartridge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
March 13, 2003